

BULSINK - 10/717,930  
Client/Matter: 008895-0306940

REMARKS

Claims 1-3 and 5-21 are pending. Reconsideration is respectfully requested.

Applicants respectfully request acknowledgement of the priority documents filed December 15, 2003.

Claims 1, 8-11 and 21 were rejected under 35 U.S.C. § 102(b) over Meshberg (U.S. Patent 3,858,762). The rejection is respectfully traversed.

Claim 1 recites an air freshener for dispensing a spray of deodorant comprising a housing configured to be mounted on or adjacent a door, the housing including a holder configured to contain deodorant, the holder including a movable dispensing member, which upon movement dispenses a spray of deodorant from the holder. A sliding bar has an end contactable by the door so that a door movement results in a movement of the sliding bar. A press member, coupled with the sliding bar, has a wedge-shaped surface that during movement of the sliding bar causes the dispensing member to move in a direction transverse to the movement of the sliding bar. The sliding bar comprises a guide along which the press member can be moved in a direction transverse to the sliding bar, the press member operates a coupling piece between the press member and the dispensing member, so that in operation a contact surface between the press member and the coupling piece in a first movement of the sliding bar extends substantially parallel to the guide in order to fix the press member transversely to the guide in a position remote from the sliding bar. The contact surface in a second movement, opposite to the first movement, is oriented substantially transversely to the guide, so that the press member is moved towards the sliding bar, and the coupling piece comprises a round upper side which constitutes a contact surface for the wedge-shaped press member and the guide comprises guide pins which are received in a guide slot, the guide slot is contiguous to a recess in which at least one guide pin can be received, in operation the guide pin in the first movement is fixed in the recess and in the second movement is pushed from the recess into the guide slot.

Claim 21 recites a method for dispensing a spray of deodorant comprising placing a holder provided with a movable dispensing member, which upon movement dispenses a spray of deodorant from the holder, in a housing for mounting on or adjacent a door. The method also includes moving, with the aid of a door movement, a sliding bar received in the housing and having an end in contact with the door or doorway, so that a door movement results in a movement of the sliding bar and providing a coupling piece between a press

BULSINK. - 10/717,930  
Client/Matter: 008895-0306940

member, having a wedge-shaped surface and coupled with the sliding bar, and the dispensing member; wherein the coupling piece comprises a round upper side which forms a contact surface for the wedge-shaped press member. The method further includes fixing the press member, in a first movement of the sliding bar, in a position remote from the sliding bar in order to move the dispensing member in a direction transverse to the movement of the sliding bar, for dispensing the spray; and moving the press member towards the sliding bar in a second movement proceeding opposite to the first movement, wherein the sliding bar comprises a guide along which the press member can be moved in a direction transverse to the sliding bar, the press member operates the coupling piece between the press member and the dispensing member, so that in operation a contact surface between the press member and the coupling piece in a first movement of the sliding bar extends substantially parallel to the guide in order to fix the press member transversely to the guide in a position remote from the sliding bar, the contact surface in a second movement, opposite to the first movement, is oriented substantially transversely to the guide, so that the press member is moved towards the sliding bar, and the coupling piece comprises a round upper side which constitutes a contact surface for the wedge-shaped press member and the guide comprises guide pins which are received in a guide slot, the guide slot is contiguous to a recess in which at least one guide pin can be received, in operation the guide pin in the first movement is fix in the recess and in the second movement is pushed from the recess into the guide slot.

MPEP § 2131 states: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." MPEP § 2131 further states: "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required."

The Examiner alleges on pages 2-3, paragraph number 2, of the Office Action that the forward edge 68 of the carriage 60 of Meshberg, or apparently the end of the forward edge 68, corresponds to the press member and the wedge-shaped surface of the press member of claim 1. The Examiner also alleges that the forward edge 68 of the carriage 60 of Meshberg also corresponds to the guide, the guide slot and the guide pin of claim 1.

BULSINK - 10/717,930  
Client/Matter: 008895-0306940

It is respectfully submitted that the Examiner's interpretation of the forward edge 68 of the carriage 60 of Meshberg as corresponding to five of the limitations of claim 1 clearly demonstrates that Meshberg does not anticipate claim 1.

It is further respectfully submitted that the forward edge 68 of the carriage 60 does not correspond to any of the five limitations alleged by the Examiner. Neither the forward edge 68 or the carriage 60 of Meshberg is a press member or a wedge-shaped surface as recited in claim 1. The forward edge 68 is not wedge-shaped. It is clearly flat, as shown in Figs. 3-5 and 7. The forward edge 68 is also not a press member as it does not cause the dispensing member (which the Examiner identifies as discharge passage 31, but should more correctly be identified as spray button 30) to move in a direction transverse to the carriage. The spray button 30 moves in direction perpendicular to, not transverse to, the carriage 60 when the forward edge 68 contacts the cammed surface 47 of the spray button 30. As clearly shown in Fig. 3, the spray button 30 moves perpendicular, not transverse, to the direction of the actuation means 50 (of which the carriage 60 is part) shown by the arrow adjacent reference number 67.

In addition, neither the forward edge 68 nor the carriage 60 is a guide comprising guide pins received in a guide slot. The abutting shoulders 67 of the carriage, identified by the Examiner as allegedly corresponding to the guide pins, are not guide pins. The abutting shoulders 67 of the carriage 60 abut the rear edges 74 of the pawl 70 that form a stop element to fix the pawl 70 in an upright position. The abutting shoulders 67 are not, in operation, in a first movement fixed in a recess that receives at least one guide pin, and in a second movement pushed from the recess into a guide slot, as recited in claims 1 and 21.

Accordingly, Meshberg cannot anticipate or render obvious claims 1 and 21.

Claims 8-11 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 1, 8-11 and 21 over Meshberg are respectfully requested.

Claims 2, 3, 7 and 12-14 were rejected under 35 U.S.C. § 103(a) over Meshberg in view of Marini (U.S. Patent 2,534,465); claims 5, 6, 15, 16 and 20 were rejected under 35 U.S.C. § 103(a) over Meshberg in view of Faso (U.S. Patent 3,344,959); claims 17 and 18 were rejected under 35 U.S.C. § 103(a) over Meshberg in view of Faso and further in view of Marini et al. (U.S. Patent 2,534,464); and claim 19 was rejected under 35 U.S.C. § 103(a)

BULSINK - 10/717,930  
Client/Matter: 008895-0306940

over Meshberg in view of Faso and further in view of Davis (U.S. Patent 3,224,644). The rejections are respectfully traversed.

Claims 2-7 and 12-20 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein. In addition, it is respectfully submitted that each of Marini, Faso, Marini et al. and Davis fails to cure the deficiencies of Meshberg with respect to claim 1 and even assuming it would have been obvious to combine any, or all, of the references, such combination(s) would not have resulted in the invention of claim 1.

Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the above remarks, it is respectfully submitted that all of the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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